

VINCENT KEITH BELL,
Plaintiff,
v.
KEN LEE, et al.,
Defendants.

Case No. [13-cv-05820-SI](#)

**ORDER GRANTING PLAINTIFF'S
ADMINISTRATIVE MOTION,
REOPENING CASE, AND SETTING
BRIEFING SCHEDULE**

Re: Dkt. No. 156

In December 2013, plaintiff Vincent Bell filed this civil rights case against guards at the San Francisco County Jail, where he is incarcerated as a pretrial detainee. Dkt. No. 1. In May 2017, the Court stayed the case, in light of the criminal proceedings then pending against plaintiff and in which he was unrepresented. Dkt. No. 117. In February 2019, with no trial date set in the underlying state criminal case, and after several years of inactivity in this federal case, the Court ordered this case administratively closed, stating that counsel "shall restore the matter upon the conclusion of the state court criminal case." Dkt. No. 152.

On November 17, 2022, plaintiff filed an administrative motion asking the Court to reopen this case. Dkt. No. 156. Plaintiff's counsel explains that plaintiff is still awaiting trial in the state criminal case, that no trial date has been set, and that trial is not likely to occur in that case before the end of 2023. *Id.* at 1. Plaintiff intends to file a motion asking the Court to lift the stay in this case. Defendants oppose the motion to reopen the case, arguing that the condition set forth in the Court's February 2019 closure order (the conclusion of the state criminal case) has not yet occurred.¹

¹ Defendants state that plaintiff's state criminal case is set for a jury trial on December 16, 2022, but plaintiff explains that the December court date is for a hearing, not trial, that he does not expect the December hearing to result in a trial date being set, and that there are nearly 200 criminal cases in line for trial ahead of plaintiff. Dkt. No. 156 at 1.

1 Dkt. No. 158.

2 Given the length of time that has elapsed since the start of this case (and the events that gave
3 rise to it), in addition to the continued uncertainty as to when plaintiff's state criminal case will go
4 to trial, the Court finds good cause to reopen this case and therefore GRANTS plaintiff's
5 administrative motion. Any substantive arguments regarding the prudence of lifting the stay,
6 including the potential impact of this case on plaintiff's Fifth Amendment rights in his criminal case,
7 are better addressed in the parties' briefing on the motion that plaintiff proposes filing.

8 Accordingly, the Court ORDERS this case be REOPENED. The Clerk shall restore this
9 case to the Court's docket.

10 Plaintiff's motion to lift the stay shall be filed no later than December 9, 2022. Defendants'
11 opposition shall be due December 23, 2022. Plaintiff's reply shall be due January 6, 2023. The
12 Court will hold a Zoom videoconference hearing on the matter on Friday, January 20, 2023, at 10:00
13 a.m.

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15 **IT IS SO ORDERED.**

16 Dated: November 28, 2022

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18 SUSAN ILLSTON
United States District Judge

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